United Nations S/2008/791

Security Council

Distr.: General
16 December 2008

Original: English

Letter dated 15 December 2008 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

I have the honour to bring to your attention a response of the Government of Rwanda to the allegations contained in the report of the Group of Experts to the Security Council Committee established pursuant to resolution 1533 (2004) (S/2008/773) (see annex).

I should like to request that the present letter and its annex be circulated as documents of the Security Council.

(*Signed*) Joseph **Nsengimana**
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Annex to the letter dated 15 December 2008 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

Response of the Government of Rwanda to the accusations of the United Nations Group of Experts on the Democratic Republic of the Congo

The Government of Rwanda expresses its deep disappointment at the report of the UN Group of Experts dated 10 December 2008, which contains dangerous inaccuracies and ill-intended information regarding the alleged support of the Government of Rwanda to the CNDP. This report is a calculated move to shift blame away from the Government of DRC and the international community – both of whom have failed to resolve the conflict in the eastern DRC despite numerous bilateral, regional and international initiatives in the last fourteen years. Rwanda has been cooperative in providing the UN Group of Experts with the information required to accomplish its mission and has been active in prohibiting any support to CNDP from Rwandan territory.

The Government of Rwanda believes that the UN Group of Experts report does not serve to truthfully inform the international community of the current situation in the DRC, nor does it give concrete proposals on implementation of existing initiatives aimed at achieving peace and stability. Instead, the report engages in an insidious balancing game between FDLR and CNDP, downplaying the despicable genocidal ideology of FDLR. This deliberate confusion can never contribute to the resolution of the longstanding conflict in the DRC.

It is evident from the report that the UN Group of Experts had predetermined conclusions on Rwanda and sought to apply the slightest excuses in an attempt to confirm these positions. The methodology used does not exhaust investigations in order to confirm or dismiss the rumours and allegations about Rwanda and no facts are provided to support the conclusions offered, as the report itself repeatedly indicates.

The report in paragraph 62 indicates that "*there is little documentation available to prove Rwandan material support to the CNDP*", the Government of Rwanda notes that even the implied *"little evidence"* implicating Rwanda is not substantiated as it is premised on allegations resulting from hearsay, perceptions and stereotypes in a strategy meant to justify the failures of the international community. The accusations

regarding Rwanda's involvement with CNDP deserve to be dismissed outright based on the facts below:

1. **Alleged complicity of Government of Rwanda in recruitment for CNDP**

The UN is fully aware of the fact that in accordance with the Nairobi Joint Communiqué, Rwanda put up stringent measures to prohibit any form of support to CNDP from the Rwandan territory. It is in this context that 67 CNDP recruits have so far been arrested and are currently detained in Rwanda's prisons. Rwanda has been and continues to collaborate closely with Burundi and Uganda to break up the CNDP recruitment network, and as a result, 22 CNDP deserters were handed over to Rwanda by Ugandan authorities on 31st October 2008. In addition, Rwandan authorities intercepted Col. Mutebutsi and have confined him in Rwanda to prevent him from joining CNDP.

The Government of Rwanda expresses its dismay at the UN Group of Experts' allegations that Rwanda has been helping CNDP to recruit child soldiers in Rwanda. Based on the UN Protocol prohibiting the involvement of children in armed conflict and Rwanda's domestic laws and policies which include compulsory education for all children, the Government of Rwanda does not condone in any way the recruitment of child soldiers on its national territory. The fact is that some minors destined as recruits for CNDP have been among those intercepted and sent to Rehabilitation centres by Rwandan authorities.

The Government of Rwanda would also like to bring to the attention of the UN Group of Experts that three people suspected of recruiting for CNDP were arrested on 1st December 2008 (Police file number 273/NJP/KNDO/KNZA/2008; Prosecution file number 83813/S1/2008/MS) and are currently being pursued by Rwandan justice.

2. **Alleged distribution of military uniforms, military hardware and support to CNDP by RDF units and officers**

The UN Group of Experts report in paragraph 29 acknowledges that it has not been able to corroborate the allegations pertaining to the claims that the CNDP receives shipments of ammunition through neighbouring countries including Uganda and Rwanda. However, the Group deliberately goes ahead to give graphic details of information for which it admits to having no evidence – clear testimony of the complete lack of professionalism and bad faith that characterize the reporting on Rwanda.

The Government of Rwanda has never supplied uniforms to CNDP as alleged. It would be illogical for any government to supply uniforms with its national

flag to a rebel group, as referred to in paragraph 27 of the Group of Experts report. Rwandan Military uniforms are manufactured in Rwanda, and if there was any intention to supply CNDP with military uniforms, it would have been a simple matter of manufacturing them specifically with no flags.

Regarding the truck, on which no details are provided, that allegedly transported uniforms to CNDP through Bunagana border, the Government of Rwanda would like to remind the Group that Rwanda does not have a common border with DRC at Bunagana.

The Group in paragraph 28 of the report acknowledges being informed by Rwandan authorities of the seizure of uniforms destined for CNDP at Kigali International Airport, and the arrest of the person involved. The uniforms originated from the US, and the Government of Rwanda in conformity with bilateral agreements under the Nairobi Communiqué, fulfilled its obligation in arresting the suspect, and voluntarily informing the international community as well as the Group of Experts. The suspect, Claude Nsengiyunva is facing justice (File number RPGR0392/08/Kgl/NM/NKA and RPGR13/DP/BS/08/NYRGA). The Government of Rwanda sees the misuse of the voluntary collaboration as evidence against it as macabre, particularly since these actions as well as the arrest of some CNDP deserters and recruits confirm Rwanda's commitment to the spirit of the Nairobi Joint Communiqué.

On the alleged supply of arms and ammunitions to CNDP by the Rwandan Defense Forces, CNDP gets its weapons from the FARDC as graphically detailed in the Group of Experts report in its paragraphs 25 and 26, and corroborated by other reports including the Human Rights Watch report of December 2008 entitled *"Killings in Kiwanja: The UN's inability to protect civilians.* As the Group of Experts might be aware, Nkunda also received weapons, uniforms and salaries from the DRC Government during the *mixage* period from January-August 2007.

On the alleged presence of RDF units and officers within the CNDP, there has never been any support by RDF units or officers to CNDP. This is in spite of the threat presented by the deployment of some FDLR forward units only two kilometres from the Rwandan border. There is a complete lack of evidence on this matter in the report, including no proof that the said soldiers belonged to RDF, no name of the unit and its commander, area where it was deployed in Rwanda, as well as no audiovisual records. These allegations are therefore unfounded and should be completely disregarded.

On the allegation that tank and motor fire was seen coming from across the border in Rwanda on 29 October 2008, and that the alleged action was "instrumental in breaking the FARDC as CNDP advanced towards Goma", the

Government of Rwanda points out that the RDF never made any attempt to fire on DRC territory. On the contrary, it is the FARDC that shot at the Rwandan territory at Kabuhanga near Petite Barrière and Kamahoro. The Government of Rwanda immediately informed the Congolese authorities about the shooting and FARDC brought it to an end. Rwanda never reacted by shooting back. The CNDP has on several occasions registered military successes against the FARDC as reported by MONUC. There is therefore no justified reason to tarnish Rwanda as an excuse for the shortcomings of FARDC or the military successes of CNDP.

The UN Group of Experts allege that General Bosco Ntaganda of CNDP was seen in a Land Rover jeep (for which no number plate is provided) with a dozen troops at the Kabuhanga border *"coming from a 1-2 kilometre wide neutral zone between the Rwandan and Congolese border"*. The Group of Experts conclude that he was coming from Rwanda since according to local sources the road did not lead anywhere else, although the said neutral zone is not Rwandan territory. Moreover, it is worth noting that CNDP had captured the area from FARDC 83rd Brigade and had been in full control of the areas bordering Rwanda for almost two weeks. It is therefore possible that Gen Bosco Ntaganda was inspecting his troops along the border with Rwanda, but did not at any one time cross into Rwanda as alleged in the report.

3. Allegation that Rwanda has been a rear base for CNDP in other ways

a. Alleged bank accounts operated by CNDP in Rwanda

The Government of Rwanda is not aware of bank accounts owned by CNDP in Rwanda and did not refuse the Group of Experts access to any required information concerning this matter. There may well be some bank accounts owned by individuals with possible links to CNDP, but the Government of Rwanda cannot by law take any action against any such individual unless if he/she is under UN sanctions. The Government of Rwanda would appreciate receiving from the Group of Experts any evidence linking the alleged bank accounts to CNDP. In such a case, the Government of Rwanda would be ready to implement the UN Security Council sanctions to the concerned individuals and stands willing to cooperate by providing any required information. The Group of Experts should have exhausted its investigation before recklessly referring to this case as evidence for rear base support to CNDP.

b. Allegation that CNDP officials own houses and have families in Rwanda

Rwanda is host to more than 50,000 Congolese refugees; some of whom have blood relations with CNDP officials. Some of these refugees may well have bought properties in Rwanda or built houses as alleged, but the Government of Rwanda is unaware of any property belonging to CNDP or registered in the names of known CNDP leaders. Besides, there is no law in Rwanda prohibiting foreigners with no criminal records from purchasing or possessing properties on its territory.

c. Allegation that CNDP officials visit Embassies in Kigali

The Government of Rwanda is unaware of these visits and has no control over movements to and from Embassies, in accordance with the principle of extraterritoriality. The issue of alleged visits should therefore have been directed to the concerned Embassies.

d. Alleged fundraising meetings conducted in Gisenyi, especially at the height of the offensive in October, 2008

There may well be some fundraising activities carried out in some of the Congolese households in Rwanda, since Rwanda is host to many Congolese refugees, but there is no involvement of the Government of Rwanda whatsoever. Rwanda is not a police state, and cannot watch over all activities or on all individuals without known criminal records.

e. Alleged 30 MTN phone numbers listed as operated by CNDP

MTN is a private company. The Group of Experts presented to Rwanda 22 MTN numbers which it said belonged to CNDP individuals and requested information on these numbers. Whereas the Government of Rwanda provided required information to the Group of Experts, it is disappointing to see that the Group of Experts refers to it as evidence for the alleged rear support to CNDP before completing investigations on the subject as stated in their report.

Further, these phone numbers are listed as "Pay As You Go" (or pre-paid), and as SIM cards are sold on an open market, it is impossible for the Government of Rwanda to have control over every individual who purchases a SIM card. Rwanda is also an open market and therefore no restrictions are imposed on consumers of telecommunications services.

On the accusation that CNDP and FRF officials make and receive calls to and from the RDF High Command as well as the Rwandan presidency, this cannot logically serve as a basis to accuse Rwanda of supporting the two groups. It is possible that some CNDP officials communicate with some people in Rwanda on an individual basis, partly because some of them have friends or relatives in Rwanda. In addition, the fact that some Rwandan officials make and receive

calls to and from the two groups should not be interpreted as implicating the Government of Rwanda, since even enemies sometimes maintain contact during conflicts (even the DRC government and CNDP may be maintaining contact, yet they have been fighting).

In any case, both the international community and DRC government have repeatedly asked Rwanda to use her "moral authority" to engage CNDP on specific requests – a task that cannot be undertaken without establishing some form of communication.

f. **Allegation that some trucks that supplied fuel and goods are registered in Rwanda**

Whereas the Group of Experts talks about "trucks", the Government of Rwanda was only informed (by the Group of Experts) of one truck registered as RAB 056D/RL 0447, and has been cooperative in finding the required information on this truck, including the owner, who is a private businessman based in Goma, DRC, with no links whatsoever to the Government of Rwanda. It is important to note that foreigners with no sanctions or criminal records have the right to do business in Rwanda. The Government of Rwanda has no control over fuel and other supplies delivered in DRC by private business people, and should therefore not be held accountable for any such deliveries.

In conclusion, the Government of Rwanda notes with disappointment that the UN Group of Experts report is totally biased against Rwanda; it deliberately ignores a clear identification of FDLR as the root cause of the conflict in eastern DRC and ironically chooses to refer to it as a Hutu rebel group instead of correctly identifying it as a genocidal force.

The Government of Rwanda wishes to strongly remind the UN Group of Experts that the current crisis in eastern DRC is a direct consequence of the UN's (and international community's) mishandling of the same genocidal force that crossed into DRC in the summer of 1994, leaving behind a million of their fellow Rwandan citizens dead.

The Government of Rwanda remains committed to continuing collaborating closely with the Government of the DRC, as well as with the other partner states in the region to establish and maintain peace and stability. As it has done in the last fourteen years, the Government of Rwanda intends to fully engage and participate in all initiatives in this direction. These include a joint Rwanda/DRC military operation plan to disarm remnants of genocidal forces in the DRC (FDLR); resumption of diplomatic relations between DRC and Rwanda, Burundi and Uganda; as well as the revival of the CEPGL (economic community of the Great

Lakes region that comprises Burundi, DRC and Rwanda). This is in addition to a larger regional Summit initiative involving eleven countries and several international organizations including the UN. A review meeting of the Summit is scheduled for 21 December 2008.

The Government of Rwanda strongly recommends that the UN disown the unfounded allegations against Rwanda contained in the Group of Experts, and instead fully engage in supporting the implementation of ongoing bilateral, regional and international initiatives to resolve the conflict in the region.